



Attorney's Docket No.: INTEL-019PUS  
Intel Docket No. P18172

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants :	Sydir et al.	Art Unit :	2139
Serial No. :	10/741,676	Examiner :	Nicole M. Young
Filed :	December 19, 2003	Assignee :	Intel Corporation
		Conf No. :	4166
Title :	METHOD AND APPARATUS FOR PERFORMING AN AUTHENTICATION AFTER CIPHER OPERATION IN A NETWORK PROCESSOR		

**MAIL STOP AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal.

The pending claims (claims 1 to 16 and 18 to 20) stand rejected under 35 U.S.C. § 103(a) as being anticipated by Ohta et al. (U.S. Patent Publication Number 20020083317 hereinafter "Ohta") in view of Platko et al. (U.S. Patent Number 6,363,444 hereinafter "Platko").

Applicants respectfully submit that the Examiner has committed clear error in the rejection by improperly identifying an essential element needed to establish a *prima facie* obviousness rejection, at least because the Examiner has incorrectly indicated that Ohta teaches "an authentication buffer configured to store authentication data including ciphered-network-packet data subject to authentication, network packet data subject only to authentication and not to ciphering, and network packet data subject to ciphering and authentication" as evidenced by

the Examiner's own arguments. Moreover, the Examiner has improperly misrepresented Applicant's position.

A. The Examiner has improperly indicated that Ohta teaches the claim limitation of "an authentication buffer configured to store authentication data including ciphered-network-packet data subject to authentication, network packet data subject only to authentication and not to ciphering, and network packet data subject to ciphering and authentication" of independent claims 1, 5, 9 and 14.

Ohta discloses data block accumulation units 304a and 304b which are functionally the same as data accumulation unit 103 and which the Examiner has asserted is an authentication buffer (see FIG. 2 and paragraph [0105] of Ohta and pages 2 and 6 of the Office Action dated 18 December 2008). However, as understood by Applicants, the data accumulation unit 103 receives only data subject to encryption, because the data accumulation unit is directly coupled to the encryption processing unit 102 to receive encryption data only (see FIGS. 2 and 3 and paragraph [0055] of Ohta). Moreover, the data accumulation unit 103 does not receive network packet data subject only to authentication and not to ciphering. For example, in FIG. 3, under column 4, authentication processing bypasses the data block accumulation unit 103. However, in support of her assertion that Ohta discloses an authentication buffer that receives network packet data subject only to authentication and not to ciphering, the Examiner points to column 4 of FIG. 3 of Ohta also and states "(t)he path of going from the Encryption and Authentication Processing

Control Unit to the Authentication Processing Unit without being encrypted or decrypted” (see page 6 of the office action). Contrary to what the Examiner intended, Ohta actually discloses that network packet data subject only to authentication and not to ciphering bypasses the data accumulation unit 103 also (see FIG. 3, column 4 of Ohta). For example, only column 1 of FIG. 3 of Ohta shows packet data being received by the data accumulation unit 103, but that data is encrypted first. Thus, the Examiner has successfully argued Applicants’ position that Ohta does not disclose or suggest that the authentication buffer is configured to store network packet data subject only to authentication and not to ciphering.

B. The Examiner has misrepresented Applicants’ arguments by misrepresenting Applicants’ position further constitutes a clear error in the rejection.

The Examiner has erroneously stated that “Applicant argues that Ohta does not disclose an authentication buffer” (see page 6 of the Office Action date December 18, 2007). Actually, Applicants stated that “Ohta does not disclose or suggest that the authentication buffer is configured to store authentication data including ciphered-network-packet data subject to authentication, network packet data subject only to authentication and not to ciphering and network packet data subject to ciphering and authentication” (emphasis added, see page 9 of the Office Action Response).

The Examiner has also erroneously stated that “Applicant argues that the FIFO buffer of Platko does not disclose using the buffer as an authentication buffer” Again, Applicants actually

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stated that "Platko does not disclose or suggest that the authentication buffer is configured to store authentication data including ciphered-network-packet data subject to authentication, network packet data subject only to authentication and not to ciphering and network packet data subject to ciphering and authentication" (emphasis added, see page 10 of the Office Action Response).

Applicants respectfully submit that the Examiner's inaccurate parsing of Applicants' words has misrepresented Applicants' position and thus the Examiner has not properly addressed Applicants' arguments further constituting clear error.

In view of the above, it is submitted that there is clear error in the rejection. Accordingly, Applicants respectfully request that the art rejection be withdrawn.


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No fee is believed to be due for this Pre-Appeal Brief Request for Review; however, if any other fees are due, please apply such fees to Deposit Account No. 50-0845 referencing Attorney Docket: INTEL-019PUS.

I am an attorney acting under 37 CFR §1.34.

Respectfully submitted,



Date: February 4, 2008

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